

## MILTON DEVELOPMENT REVIEW BOARD PUBLIC NOTICE OF MEETING & HEARINGS

Meeting Type: Regular Meeting  
Date: Thursday, January 28, 2016  
Time: 7:00 p.m.  
Place: Municipal Building Community Room  
Address: 43 Bombardier Road, Milton, Vermont 05468-3205  
Contact: (802) 893-1186  
Website: miltonvt.org

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*Bruce Jenkins*

*Clayton Forgan*

*David Conley*

*Henry Bonges*

### AGENDA

1. Call to Order
2. Attendance
3. Agenda Review
4. Public Forum

*The public may attend and be heard in accordance with Vermont's Open Meeting Law (1 V.S.A. 312).*

5. Old Hearings/Business  
*None.*

6. New Hearings/Business

**6(A). Conditional Use Application – Rick Sharp & Ruth Masters, Owners/Applicants.** The Applicants are requesting Conditional Use approval to hold weddings in an existing building pursuant to Zoning Regulations Section 120. The proposal estimates between five (5) and ten (10) weddings per year with a maximum capacity of eighty (80) guests. The property is currently used for outdoor recreation, telecommunication, and agriculture/forestry. The site is located at 204 Cobble Hill Road, described as SPAN #13248, Map 3, Parcel 64-1. The subject property contains approximately 101 acres and is located within the "Agricultural/Rural Residential" (R5) and "Forestry/Conservation/Scenic Ridgeline" (FC) Zoning Districts.

7. Other Business  
7(A). Staff Update

8. Approval of Minutes of January 14, 2016

9. Possible Deliberative Session

*Private session for deliberations on applications and written decisions in accordance with 1V.S.A. 312.*

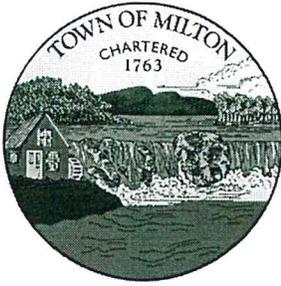
10. Adjournment

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Jeffrey Castle, Town Planner

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Filed in the Town Clerk's Office. Posted in the Municipal Building Lobby, Planning & Economic Development Department, Town's Facebook page, Town's DRB webpage, Middle Road Market, Milton Beverage, & Rene's Discount Beverage. E-mailed to the Regional Planning Commission, Burlington Free Press, Milton Independent, & LCATV.



**TOWN OF MILTON**  
**Planning & Economic Development Department**  
 43 Bombardier Road  
 Milton, VT 05468-3205  
 (802) 893-1186  
 miltonvt.org

## DEVELOPMENT REVIEW BOARD STAFF REPORT

<b>Hearing Date:</b> January 28, 2016	
<b>Case No:</b> DRB 2016-04	
<b>Application(s):</b> Conditional Use	
<b>Application Received:</b> December 9, 2015	
<b>Application Deemed Complete:</b> December 10, 2015	
<b>Staff Report Finalized:</b> January 20, 2016	
<b>Applicant(s):</b> Rick Sharp and Ruth Masters 116 Waybury Road Colchester, VT 05446 802-879-3507	<b>Owner(s):</b> Same
<b>Engineer/License:</b> None	<b>Surveyor/License:</b> None
<b>E-911/Postal Address:</b> 204 Cobble Hill Road	
<b>Tax Map, Parcel(s):</b> 3, 64-1	
<b>School Parcel Account Number(s) (SPAN):</b> 13248	
<b>Deed(s):</b> Book 141, Page 696	
<b>Existing Size:</b> 101 acres	
<b>Zoning District(s):</b> Agricultural Rural Residential "R5"	
<b>Comprehensive Plan Planning Area/Sub-Area:</b> Cobble Hill Planning Area	
<b>Location:</b> The end of Cobble Hill Road.	

## INTRODUCTION

**Noticed/Warned Summary of Proposal:** The Applicants are requesting Conditional Use approval to hold weddings in an existing building pursuant to Zoning Regulations Section 120. The proposal estimates between five (5) and ten (10) weddings per year with a maximum capacity of eighty (80) guests. The property is currently used for outdoor recreation, telecommunication, and agriculture/forestry. The site is located at 204 Cobble Hill Road, described as SPAN #13248, Map 3, Parcel 64-1. The subject property contains approximately 101 acres and is located within the "Agricultural/Rural Residential" (R5) and "Forestry/Conservation/Scenic Ridgeline" (FC) Zoning Districts.

**Comments:** Jeff Castle, Town Planner; Jacob Hemmerick, Planning Director; and Amanda Pitts, Zoning Administrator, herein referred to as staff, has reviewed the application, materials and plans submitted and has the following comments.

**Ethics Disclosure:** Staff herein notes that there is no known direct or indirect conflicts of interests between Staff and the owner, applicant, or noticed interested parties. Hemmerick discloses that he has been a customer of Sharp Park for recreation and Mr. Sharp for forestry product.

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## APPLICATION, JURISDICTION & NOTICE

**Application:** This matter comes before the Town of Milton Development Review Board (DRB) for Conditional Use approval. The application and its associated materials are maintained by the Town in the application file and are available for public inspection.

**Applicant(s):** The application was submitted by Rick Sharp and Ruth Masters, referred to hereafter as the "applicant".

**Landowner(s):** The property is owned by Rick Sharp and Ruth Masters. Rick Sharp is signatory to this application.

**Application Submission:** The application form and associated exhibits were received by the Planning and Economic Development Department on December 9, 2015.

**Application Completion:** The application was deemed complete by staff on December 10, 2015.

**General Jurisdiction:** Land development is subject to regulation by the Town of Milton pursuant to, but not limited to, the following: The Vermont Planning and Development Act (Act); The Town of Milton Zoning Regulations (ZR), effective January 5, 2015; the Town of Milton Interim Zoning Regulations (IZR) effective February 26, 2015; and The Town of Milton Subdivision Regulations (SR), effective June 28, 2010.

**Conditional Use Specific Jurisdiction:** ZR110 states:

"No LAND DEVELOPMENT shall be undertaken or effected except in conformance with the applicable provisions of these Regulations. No land, building or other STRUCTURE shall be used for any purpose except as provided in these Regulations. Any USE not specifically permitted of

prohibited in this Ordinance may be considered as a Conditional Use by the Development Review Board and Reviewed in accordance with Section 500 of these Regulations"

ZR120 states:

"Permitted and CONDITIONAL USES for each district of the Town are specified in these Regulations. Both types of USE require a Zoning Permit (commonly called a "Building Permit") and a Certificate of Compliance from the Zoning Administrator as prescribed in Section 1000 and 1010 below. A Zoning Permit for a CONDITIONAL USE requires prior approval of the Development Review Board, which can only be issued upon a finding of conformance with the requirements indicated in Section 500, and with any additional criteria cited for a specific CONDITIONAL USE within the Zoning Ordinance."

**Regulatory Waivers Requested:** No waivers have been requested.

**Warning/Notice of Hearing:** Public warning and notice was issued by the Department of Planning and Economic Development for the hearing according to Vermont Statutes Annotated Chapter 24 §4464. 24 §4464.

### **EXHIBITS**

**Application Exhibits:** The following exhibits were submitted with the application and attached to the Staff Report:

- None.

**Staff Exhibits:** The following exhibits from staff are attached to the Staff Report.

- Sharp Park Barn Site Plan dated 9/20/11
- Technical Advisory Committee (TAC) Public Works Review Sheet dated 1/08/2016;
- TAC Police Review Sheet dated 1/07/2016;
- TAC Recreation Review Sheet dated 1/06/2016;
- TAC Fire Review email dated 1/06/2016;

### **SITE, DISTRICT & AREA INFORMATION**

**Property Location:** The subject property is located at 204 Cobble Hill Road and shown on Milton's Tax Map 3 as Parcel 64-1. The corresponding School Parcel Account Number (SPAN) is 13248.

**Size/Area:** The Assessor's Grand List records this property as approximately 101 acres.

**Deed(s):** The deed is recorded in Book 141, Page 696 of the Town of Milton Land Records to Rick Sharp and Ruth Masters, Grantee.

**Zoning District(s):** The site is located within the Agricultural/Rural Residential (R5) Zoning District described on the Town of Milton Zoning Map, last amended August 22, 2011, on record and display at the Municipal Offices and available on the Town's website. The ZR341 states that, "the purpose of this district is to provide for continued agriculture, forestry and open space uses together with compatible low density residential development."

**Comprehensive Planning Area:** The site is located within the Cobble Hill Planning Area, as delineated in Map 2 of the 2013 Comprehensive Plan. The Plan states the following goals about this area:

“The preferred future land uses for the Cobble Hill Area are forestry, agriculture, outdoor recreation, and low density clustered residential development. Agricultural enterprises help define the scenic character of the area, and such uses should be supported and encouraged.

**Goal 9.8.1.** Encourage a diversity of agricultural uses through creative economic strategies.

**Goal 9.8.2.** Encourage low density, well planned residential development which enhances the character of the area.”

**Physical Characteristics/Natural Features:**The site contains steep terrain leading up to the summit of Cobble Hill, where a new cell tower recently approved by the Public Service Board was sited. The site has a mix of forest, fields and a Christmas tree farm. The north east corner of the property contains agricultural soils of statewide significance. The property drains to Lake Champlain via Allen Brook and Mallets Creek.

**Surrounding Use/Structures:** The property is surrounded to the north and east by residential properties and otherwise surrounded by agricultural land and open space.

**Site Visit:** The DRB may schedule a site visit and recess the hearing to a subsequent meeting date if on-site observation would better inform the DRB's decision.

### **SITE HISTORY**

**Background:** The subject property has the following approvals that Staff has found relevant to this application:

- In 1994, the Applicants received Conditional Use approval, from the DRB, for teaching paragliding lessons on this property.
- In 2005, the Applicants received Conditional Use approval for outdoor snow tubing, snowboarding, downhill and cross-country skiing, and mountain biking.
- In 2008, the Applicants received Conditional Use and Site Plan approval for a bed and breakfast within an eight bedroom house, 3 bedrooms for family use and 5 bedrooms for rental. This approval has since expired.
- In 2009, the Applicants received Conditional Use and Site Plan approval for camping, zip lines, segway rentals, a ropes course and a barn for support of existing Christmas tree farm and outdoor recreational uses.
- In 2011, the Applicants received Administrative Site Plan Approval for the construction of a deck on the south side of the barn, a deck extension on the west side of the barn, a handicapped access ramp to the deck, exterior lighting, and a retaining wall on the east side of the barn.
- In 2012, the Applicants received Conditional Use and Site Plan Approval for a bed and breakfast within a 10 bedroom house, 3 bedrooms for family use and 7 bedrooms for rental. This approval has since expired per section ZR1020.

**Zoning Compliance:** To the knowledge of Staff, the property does not have any unresolved Zoning Violations.

### EXISTING AND PROPOSED USE/IMPROVEMENTS/LAND RESTRICTIONS

**Existing Use:** Staff understand that the site is currently used for "outdoor recreation" and "agriculture": Christmas tree sales..

1. The applicant shall clarify all principal and accessory uses that are currently taking place on the site (outdoors) and what uses are taking place within the existing barn (indoors).

**Proposed Use/ Conditions of Use:** The applicant is proposing to host weddings in an existing building. The proposal estimates between five (5) and ten (10) weddings per year with a maximum capacity of eighty (80) guests.

Staff finds that the Zoning Regulations do not have a definition that captures this proposed use. As stated in ZR110, "Any USE not specifically permitted or prohibited in this Ordinance may be considered as a Conditional Use by the Development Review Board and Reviewed in accordance with Section 500 of these Regulations."

The Development Review Board has previously reviewed Conditional Use applications to host weddings and other events and classified this use as a banquet facility. Staff finds that the applicant needs to clarify what will be taking place during weddings hosted at the site.

2. The applicant shall state what activities associated with the weddings will be taking place on site including food service, entertainment, temporary tents, etc.

Because a banquet facility does not meet the definition of an existing defined use, the Applicant has submitted an application for Conditional Use approval, per Section 110 of the Zoning Regulations. If the DRB approves the Conditional Use, the Applicant must apply for Site Plan approval subject to Zoning Regulations Section 800 (Site Plan Review).

3. If the Conditional Use is approved, the Applicant must submit a Site Plan application in accordance with Section 800 of the Zoning Regulations. Site Plan approval shall be required before a Zoning Permit is issued.

#### **Existing Improvements:**

The site contains an existing barn and deck served by onsite water and wastewater. The site is accessed via Cobble Hill Road.

**Proposed Improvements:** The applicant has not proposed any improvements to the site.

### ZONING REGULATIONS GENERAL PROVISIONS

**ZR580, Accessory Structures & Uses:** "ACCESSORY USES and STRUCTURES, as defined in Section 1010 of this Ordinance, shall be allowed in all districts, subject to the following provisions:

- 580.1 They do not conflict with any other provision of this Ordinance.
- 580.2 They do not constitute a threat or nuisance to the health, safety, and welfare of neighboring property owners.

- 580.7 ACCESSORY USES shall not exceed 10% or 2,000 sq. ft., whichever is the lessor, of the total GROSS FLOOR AREA of the PRINCIPAL STRUCTURE.
- 580.8 Only a permitted or CONDITIONAL USES allowed in a district can be an ACCESSORY USE in that district.
- 580.9 ACCESSORY USES shall comply with all other requirements of these Regulations."

Staff finds that the principle use on the property is outdoor recreation and presumed agriculture/forestry exempted by law from local regulation, with the hosting of weddings being a proposed as an accessory use. Staff finds that because the proposed accessory use is sharing the primary structure with the proposed use (on a time basis and not a spatial basis), and not permanently occupying the space, ZR580.7 cannot be measured and may not apply -- particularly in light of the Regulations' definition of Accessory and Principal uses and the examples therein, such as a hotel lobby having a newstand. If conditional use approval is granted by the DRB, a banquet facility would be an allowed accessory use.

### CONDITIONAL USE REVIEW

**ZR500 Conditional Use:** The section states, "The authorization by the Development Review Board shall be granted only upon a finding by it that the proposed USE complies with the specific dimensional and other applicable standards as set forth in these Regulations and that the proposed CONDITIONAL USE does not have an undue adverse effect [on the following standards]:"

The subject lot is a conforming lot within the R5 and FC Zoning District, and the dimensional requirements must be met for any proposed development on the lot. This will be verified during Site Plan review, if this Conditional Use application is approved.

**ZR500.1, Capacity of Community Facilities:** "The capacity of existing or planned community facilities or services including water, waste disposal, roads, police, fire services and schools."

**Water:** The existing structure is served by an existing well. The applicant has not proposed any changes.

**Wastewater:** The existing structure is served by an existing on-site waste water system. The applicant has not proposed any changes.

Public Works Director, Roger Hunt questions if the on-site water and wastewater treatment is adequate for the proposed use. It is unknown if the applicant has applied for an amended State Wastewater Disposal and Potable Water Supply Permit.

**State Water/Wastewater Approval:** The proposed use must comply with the Wastewater System and Potable Water Supply Rules administered by the Vermont Department of Environmental Conservation. Accordingly, the Applicant should submit their plans for review by the Permit Specialist in the District 4 Regional Office of the Agency of Natural Resources prior to submitting a Site Plan application (if approved).

4. The Applicant must obtain a Project Review Sheet from the Permit Specialist in the District 4 Regional Office of the Agency of Natural Resources.

**Police and Fire:** There were no comments or concerns regarding Police or Fire services, but further review may be requested upon Site Plan Review if approved.

**ZR500.2, Character of the Area:** "The character of the area affected, as defined by the purpose or purposes of the zoning district within which the project is located, and specifically stated policies and standards of the municipal plan."

Most commercial uses are not allowed within the R5 Zoning District, although since this use is not expressly permitted or prohibited within the Zoning Regulations, it can be reviewed as a Conditional Use. The rural nature of the area may allow for this facility to coexist with its neighbors with minimal disruption. However, the Applicant should discuss with the DRB in more detail the scope and nature of the facility and use, including how often this facility will be in use, what the hours of operation will be, if there will be outdoor music, what types of events will be hosted there, etc. The DRB will need to carefully consider the impact on the neighborhood due to potential noise and traffic issues. If this proposal is approved, the DRB may want to include conditions limiting the days and/or hours of operation, outdoor uses, and/or discernible noise levels to certain hours in order to reduce the potential impact on the neighborhood. Section 501 of the Zoning Regulations allows the DRB to attach reasonable conditions and safeguards as it may deem necessary to implement the provisions and intentions of the Zoning Regulations and the Comprehensive Plan.

5. The Applicant should discuss with the DRB in more detail the scope of this facility, including how often this facility will be in use, what the hours of operation will be, if there will be outdoor music, what types of events will be hosted there, etc.
6. If this proposal is approved, the DRB may want to include conditions limiting the days and/or hours of operation, outdoor uses, and/or discernible noise levels to certain hours in order to reduce the potential impact on the neighborhood.

**ZR500.3, Environmental Limitations & Natural Resources:** "Environmental limitations of the site or area, and significant natural resource areas or sites."

If approved, staff can undertake a review of the environmental limitations -- and any new structures proposed to accommodate the use -- during Site Plan Review.

7. If the Conditional Use is approved, all existing features as defined by Zoning Regulation Section 803.3 shall be identified on the Site Plan.

**ZR500.4, Comprehensive Plan, Bylaws, Ordinances, Regulations:** "The *Comprehensive Plan* and all bylaws, ordinances and/or regulations of the Town of Milton."

The subject property falls in the Cobble Hill Planning Area. The Plan states the following goals about this area: "The preferred future land uses for the Cobble Hill Area are forestry, agriculture, outdoor recreation, and low density clustered residential development. Agricultural enterprises help define the scenic character of the area, and such uses should be supported and encouraged.

**Goal 9.8.1.** Encourage a diversity of agricultural uses through creative economic strategies.

**Goal 9.8.2.** Encourage low density, well planned residential development which enhances the character of the area."

Staff finds that the site currently hosts agriculture, forestry, and outdoor recreation, closely matching the goals of the Comprehensive Plan for the Cobble Hill Planning Area. Further, staff finds that the addition of a banquet facility accessory use is a creative economic strategy that can help support agricultural uses. However, this is only true if the agriculture and recreational uses are continued. Staff recommends the conditional use should only be permitted if the structure is annually and actively used in support of primary and principle agricultural or outdoor recreational uses. This condition would serve to protect the goals consistent with the Comprehensive Plan and Zoning Regulations.

8. The Conditional Use, if approved, shall be permitted only if the existing structure is annually and actively used in support of agricultural (i.e. Tree Farm) and outdoor recreational uses. If these agriculture and outdoor recreational uses end, Conditional Use approval shall expire.
9. If the Conditional Use is approved, the DRB may want to include other conditions that support the goals of the Comprehensive Plan and all bylaws, ordinances and or regulations of the Town.

Any entertainment event on the subject property to conduct public entertainment or exhibition for which money is received is subject to the Town's Entertainment Ordinance and will require a license for each event.

10. If approved, any entertainment event subject to the Town's Entertainment Ordinance will be subject to the licensing according to the Ordinance.

**ZR500.5, Traffic:** "Traffic on roads and highways in the vicinity."

The applicant has stated they expect to host 5 to 10 weddings per year with a maximum capacity of 80 guests per event.

Public Works Director, Roger Hunt questions if the proposed use will exceed the number of vehicle trip ends allowed under the current site plan.

While this will be evaluated more closely with the Site Plan application, if this Conditional Use application is approved, The Applicant should ensure that enough parking will be provided onsite. If approved, Staff will compare (during Site Plan) the estimated number of vehicles the Applicant expects to accommodate to the parking requirements for similar uses defined in the Zoning Regulations.

**ZR500.6, Renewable Energy Resources:** "Utilization of renewable energy resources."

Unless otherwise stated in this Report, Staff finds that the proposal would not have an undue adverse effect on the standards of 500.6.

**ZR 501, Conditional Use Conditions:**

11. In granting such CONDITIONAL USE, the Development Review Board may attach such additional reasonable conditions and safeguards as it may deem necessary to implement the provisions and intentions of these Regulations and the Milton *Comprehensive Plan*.

**ADMINISTRATION & ENFORCEMENT**

**ZR1020, Expiration of Permits:** A Zoning Permit, variance or CONDITIONAL USE approval shall expire one year from the date of issue. If the work has not been completed, the applicant shall apply to the Zoning Administrator for an extension. The Zoning Administrator may grant a single one-year extension for the identical project only.

**ZR1030, Revocation of Approvals and Permits:** In addition to any other remedies provided for by law, a Zoning Permit, Sign Permit, variance, CONDITIONAL USE approval, or Site Plan approval may be revoked by the Zoning Administrator or Development Review Board, whichever granted the permit or approval, for violation of these Regulations or the terms and conditions of the permit or approval.

Omission or misstatement of any material fact by the applicant or agent on the application or at any hearing which would have warranted refusing the permit or approval shall be grounds for revoking the permit or approval at any time

**STAFF RECOMMENDATION**

The Planning Staff recommends that the DRB **approve** the Conditional Use application to hold weddings in an existing building for the property located at 204 Cobble Hill Road, described as SPAN #13248, Tax Map 3, Parcel 66-1, subject to the conditions above.

Respectfully Submitted:



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Jeffrey Castle, Town Planner

**ATTACHMENTS:**

- Sharp Park Barn Site Plan dated 9/20/11
- Technical Advisory Committee (TAC) Public Works Review Sheet dated 1/08/2016;
- TAC Police Review Sheet dated 1/07/2016;
- TAC Recreation Review Sheet dated 1/06/2016;
- TAC Fire Review email dated 1/06/2016;

**COPIES TO:**

- Applicant(s)

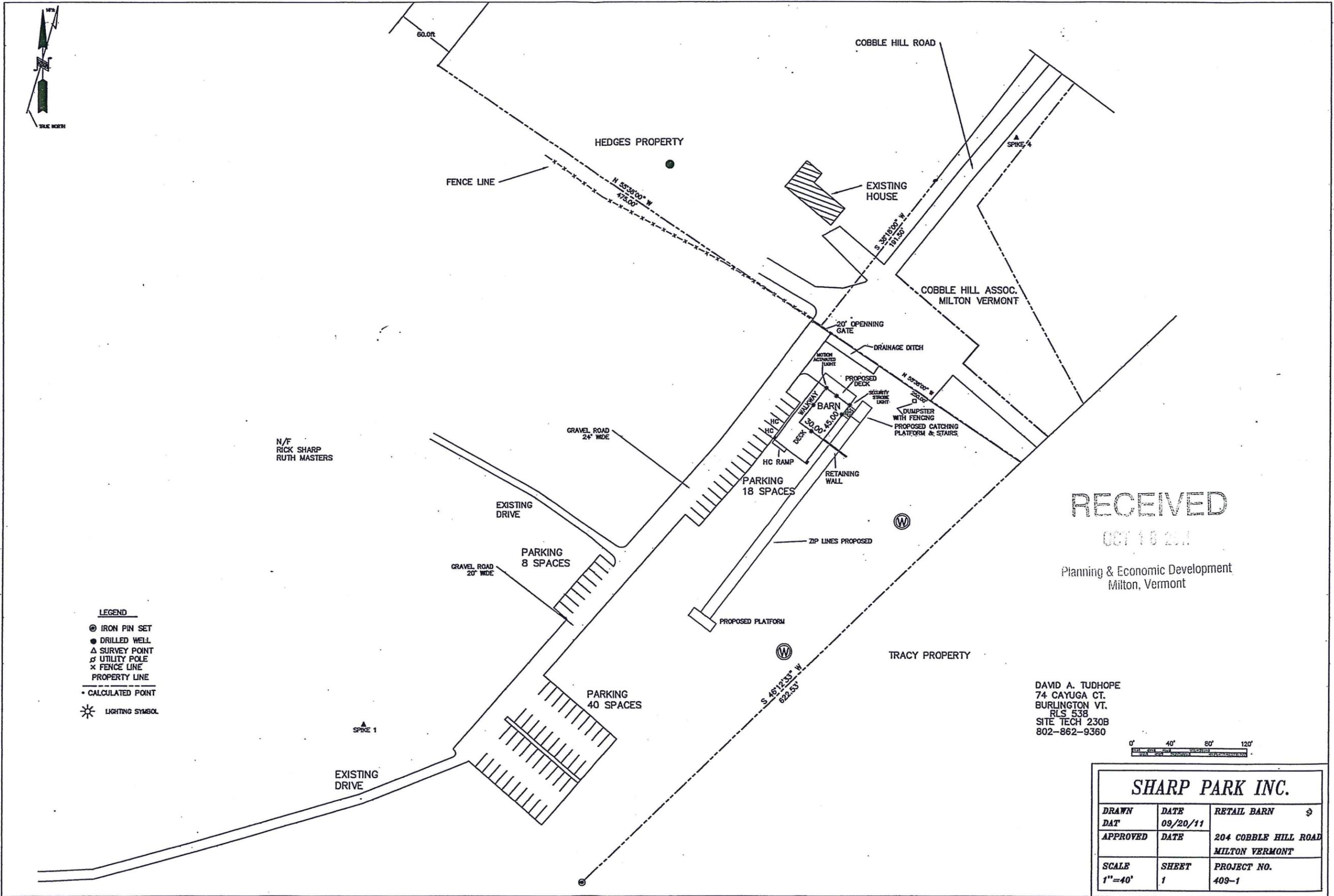
## WHAT'S NEXT?

**Decision:** The DRB has 45 days from the close of the hearing to issue a written decision. The DRB aims to finalize decisions at the next available DRB meeting, but there are times when this is not possible and additional time is needed. The Applicant will receive a copy of the Decision by United States Postal Service Certified Mail; the official date of issuance is the date the Decision is mailed Certified. All other interested person who signed in on the hearing sign in sheet will also be mailed a copy of the Decision via USPS First Class Mail.

**Decision Conditions:** Approvals by the DRB almost always include conditions of approval that detail the next actions you must take to finalize the project. It's important that you read and understand the decision.

**Appeal Rights:** The DRB's decision can be appealed to the Environmental Division of the Vermont Superior Court by interested persons within **30 days** of issuance (10 VSA §8504).

**Revocations:** In addition to any other remedies provided for by law, approvals from the Development Review Board, whichever granted the permit or approval, for violation of these Regulations or the terms and conditions of the permit or approval. Omission or misstatement of any material fact by the applicant or agent on the application or at any hearing which would have warranted refusing the permit or approval shall be grounds for revoking the permit or approval at any time.



- LEGEND**
- ⊙ IRON PIN SET
  - DRILLED WELL
  - ▲ SURVEY POINT
  - ⊕ UTILITY POLE
  - × FENCE LINE
  - PROPERTY LINE
  - CALCULATED POINT
  - ☼ LIGHTING SYMBOL

**RECEIVED**  
 OCT 18 2011  
 Planning & Economic Development  
 Milton, Vermont

DAVID A. TUDHOPE  
 74 CAYUGA CT.  
 BURLINGTON VT.  
 RLS 538  
 SITE TECH 230B  
 802-862-9360



SHARP PARK INC.			
DRAWN	DATE	RETAIL BARN	9
DAT	09/20/11	204 COBBLE HILL ROAD	
APPROVED	DATE	MILTON VERMONT	
SCALE	SHEET	PROJECT NO.	
1"=40'	1	409-1	



## DEVELOPMENT REVIEW BOARD MEETING MINUTES

Meeting Type: Regular Meeting  
Date: Thursday, January 14, 2016  
Time: 7:00 p.m.  
Place: Municipal Building Community Room  
Address: 47 Bombardier Road, Milton, Vermont 05468-3205  
Contact: 802.893.1186  
Website: miltonvt.org

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1 **1. CALL TO ORDER**

2 The Chair called the meeting to order at 7:04 p.m.  
3

4 **2. ATTENDANCE**

5 **Members Present:** Bruce Jenkins, Chair; David Conley, Vice-Chair; Henry Bonges, Clerk; Clayton Forgan

6 **Members Absent:** None

7 **Staff Present:** Jeff Castle, Town Planner  
8

9 **3. AGENDA REVIEW**

10 None.  
11

12 **4. PUBLIC FORUM**

13 None.  
14

15 **5. OLD HEARINGS/BUSINESS**

16 **5 (A). Variance Application – 398 North Road – David LaPorte, Owner/Applicant.**  
17

18 The Chair read the following summary to open the hearing:  
19

20 The Applicant is requesting a Variance in accordance with ZR520: Non-complying Structures. The  
21 proposal is to construct a lean-to style carport over an existing parking space. A Variance is  
22 requested because the required minimum front setback of 35 feet will not be met. The proposed  
23 structure would be attached to the existing residence and share the same, non-compliant setback.  
24 The subject property is located at 398 North Road, described as SPAN #11968, Tax Map 15, Parcel  
25 123. The subject property contains a total of approximately 0.46 acres and is located within the  
26 "Industrial Conservation" (I3) Zoning District.  
27

28 The Chair administered the Oath to Interested Persons. Representing the Applicant was David Laporte,  
29 hereafter referred to as "Applicant."  
30

31 In response to the following numbered items within the Staff Report:

- 32 1. The applicant was asked to describe any unique physical circumstances or conditions of the site that  
33 create unnecessary hardship. The applicant stated that the current parking is not adequate. Currently  
34 cars are parked in the Town right of way. The applicant would like to bring in fill and stone and create  
35 more parking and would like to create a carport with no sides to protect his vehicles.
- 36 2. The applicant stated that the property drops off, and to locate the car port outside the setback would put  
37 it at the back of the house.
- 38 3. The applicant stated that he is unable to locate the carport further back, and he feels wants to extend  
39 parking in order to improve safety.
- 40 4. There were no further questions at that time from the DRB.

- 1 5. Staff stated the Technical Advisory Committee questioned if the residence is a duplex, and the applicant  
2 stated that it is a single family home. Staff stated that Public Works had discovered a second  
3 unauthorized highway access on the property that should be addressed with Public Works or removed.
- 4 6. The applicant agreed that a zoning permit is required and an associated Certificate of Occupancy is  
5 required after construction is complete and prior to the use of the new structure.
- 6 7. The applicant agreed that variance approval shall expire one year from the date of issue. If the work is  
7 on complete the applicant shall apply to the Zoning Administrator for an extension. The Zoning  
8 Administrator may grant a single one-year extension for the identical project only.
- 9 8. The applicant agreed that in addition to any other remedies provided for by law, a Zoning Permit, sign  
10 permit, variance, conditional use approval, or site plan approval may be revoked by the Zoning  
11 Administrator or Development Review Board, whichever granted the permit or approval, for violation  
12 of these Regulation or the terms of and conditions of the permit or approval.

13 Staff stated the opinion that this project could be completed in compliance with the Zoning Regulations.

14  
15 Hearing no further questions or comments, the Chair closed the Hearing.

## 16 17 6. NEW HEARINGS

### 18 6(A). Site Plan Amendment I Application – 107 Catamount Drive – Toxic Lolli LLC, Owner & Applicant.

19  
20 The Chair read the following summary to open the hearing:

21  
22 The Applicant is requesting Site Plan Amendment approval for a proposed 13,530 square foot per floor,  
23 2-story Research & Development building addition and associated infrastructure. Also proposed is  
24 redesign of the parking area to accommodate the building addition and provide better internal  
25 circulation. The existing water service would remain; the existing on-site wastewater disposal system  
26 would be removed and the site would connect to the municipal sewer line. The site is located at 107  
27 Catamount Drive and described as SPAN #11572, Tax Map 3, Parcel 8-7. The subject property contains a  
28 total of approximately 3.12 acres and is located within the “General Industrial” (I2) Zoning District and  
29 the Catamount Planning Area.

30  
31 The Chair administered the Oath to Interested Persons. Representing the Applicant was Jeffrey Jimmo and  
32 Peter Heil of O’Leary-Burke Civil Associates, LLC, hereafter referred to as “Applicant.”

33  
34 The Applicant clarified that they have received a revised water and waste water allocation approval for the  
35 proposed project.

36  
37 In response to the following numbered items within the Staff Report:

- 38 1. The applicant agreed that the Final Plan shall indicate the curve radius for the new access to Gonyeau  
39 Road. The new access will have a curve radius of 25 feet.
- 40 2. The applicant agreed that a Town Highway Access Permit will be obtained prior to being eligible for a  
41 zoning permit.
- 42 3. The applicant agreed that all new curb cuts shall be inspected by Public Works to ensure compliance  
43 prior to the issuance of a Certificate of Compliance.
- 44 4. The applicant stated that the location and number of the ADA accessible parking spaces meet the  
45 requirements of the ADA. Two spaces are located near the middle entrance, while one is located on the  
46 opposite side of the parking lot. Staff stated that the distance of the third parking space is of concern. The  
47 applicant stated that the location of the furthest space was dictated by the size and dimension of the  
48 proposed parking lot.
- 49 5. The applicant requested to not put in parking lot landscaped islands. The purpose of such islands was

1 discussed. Staff explained that in the previous site plan approval, islands were not required, but the  
2 ability to require islands upon future expansion was retained.

- 3 6. The applicant agreed to meet the sign standards of ZR830. A picture of an existing sign that will closely  
4 resemble the proposed sign was shown.
- 5 7. The applicant agreed that if multiple units are to be created in the proposed building, a site plan  
6 amendment and the establishment of a Planned Unit Development shall be required. Staff explained the  
7 necessity to establish a PUD in an existing building when being unitized.
- 8 8. The staff pointed out the comments from the TAC listed in the following numbered items
- 9 9. The applicant agreed to show the curve radius for the new access to Gonyeau Road.
- 10 10. The applicant explained that they are planning to connect the force main to the existing sewer stub  
11 which already crosses the water service.
- 12 11. The applicant explained that two hydrants already exist along Catamount and Gonyeau Road and that  
13 no changes are proposed. The applicant agreed to speak with the Fire Department in order to gain  
14 approval that the existing fire hydrant placements are adequate.
- 15 12. The applicant agreed to remove arborvitaes within the Right of Way adjacent to Fire Hydrant #AA-20 on  
16 Gonyeau road in order to improve access to the hydrant.
- 17 13. The Applicant agreed that the final plans shall clearly indicate the location of the Fire Department  
18 Connection.
- 19 14. The Applicant agreed to install and maintain a Fire Department Key Box and indicate its location on the  
20 Final Plans.
- 21 15. The Applicant agreed to provide a copy of the Project Review Sheet from the Permit Specialist of the  
22 Agency of Natural Resources and obtain all required State permits and approvals prior to construction.
- 23 16. The Applicant agreed to submit two full-sized and two reduced complete final plan sets depicting the  
24 requested changes.
- 25 17. The applicant agreed to obtain a Zoning Permit prior to construction and an associated Certificate of  
26 Compliance after construction is complete.
- 27 18. Remaining questions were asked from the DRB.

28  
29 Bonges requested that the Electric Vehicle conduit be moved over two spots from the last parking space in order  
30 to allow for multiple vehicles to utilize the plug. The applicant agreed. The DRB inquired if the applicant would  
31 be willing to put additional landscaping adjacent to the parking lot as a condition of not having landscaped  
32 islands. The applicant agreed that some low landscaping at the end of the parking lot would be acceptable.  
33

34 Hearing no further questions or comments, the Chair closed the Hearing at 7:39 p.m.  
35

36 **6(B). Site Plan Application – 358 Bear Trap Rd. - William R. Sawyer Revocable Trust & Sonya L. Sawyer**  
37 **Revocable Trust, Owners/Bill Sawyer, Applicant.**  
38

39 The Chair read the following summary to open the hearing:  
40

41 The Applicant is requesting Site Plan approval for a property located at 358 Bear Trap Road, described as Tax  
42 Map 6, Parcel 2-1. The Applicant seeks after-the-fact approval to install a concrete block retaining wall and  
43 conduct non-exempt excavation/fill within an existing, constructed pond and mapped wetland, requiring DRB  
44 Site Plan approval per ZR680 and ZR720. The subject property contains a total of 11.20 acres and is located  
45 within the "Agricultural/Rural Residential (R5)" Zoning District.  
46

47 The Chair administered the Oath to Interested Persons. Representing the Applicant was William Sawyer and  
48 Karl Marchessault of O'Leary-Burke Civil Associates, LLC, hereafter referred to as "Applicant."  
49

1 In response to the following numbered items within the Staff Report:

- 2 1. The applicant stated that no new material, other than the concrete blocks, were brought in. All  
3 excavation, fill and grading involved material around the edge of the pond. The applicant explained that  
4 the pond was constructed in 2001. Staff explained that the pond is mapped as a class 2 wetland by the  
5 State, and any excavation, fill or grading taking place within a wetland requires approval from the DRB,  
6 a the State, and the Army Corps of Engineers. The applicant explained that when they were informed  
7 that they needed approval from the Town, the work on the pond was being completed. The Army  
8 Corps of Engineers has been contacted about the case, and a copy of the email exchange was provided.  
9 The State would like to visit the site in the spring.
- 10 2. The applicant agreed to submit written approval from the Army Corp of Engineers and the State  
11 Watershed Management Division.
- 12 3. The DRB waived additional Site Plan requirements due to the nature of the project.
- 13 4. The DRB considered the suitability of the site and the due regard for the man-made wetland.
- 14 5. Comments from the Technical Advisory Committee had been address.
- 15 6. The Applicant agreed to obtain a project review sheet from the Agency of Natural Resources Permit  
16 Specialist and provide a copy to the Town and obtain all required State Permits and approvals.
- 17 7. The Applicant agreed to submit 2 full-sized and 2 reduced plan sets depicting any requested changes for  
18 approval by the Town Planner prior to being eligible for a Zoning Permit.
- 19 8. The Applicant agreed that a Zoning permit is required and an associated Certificate of Compliance is  
20 required after construction is complete.

21  
22 The applicant inquired if continued related leveling of the property and the construction of a bridge would  
23 require a permit. Staff recommended that a permit application be submitted that shows all work the applicant is  
24 planning to complete related to this project.

25  
26 Hearing no further questions or comments, the Chair closed the Hearing at 8:00 p.m.

27  
28 **6(C). Site Plan Amendment – 167 US Route 7 South - Milton Pizza Company LLC, Owner & Applicant.**

29  
30 The Chair read the following summary to open the hearing:

31  
32 The Applicant is requesting Site Plan Amendment approval pursuant to Zoning Regulations Section  
33 800 for a property located at 167 US Route 7 South, described as SPAN #10826, Tax Map 29, Parcel 7.  
34 The Applicant seeks approval to add approximately 153 sq. ft. to the existing building to  
35 accommodate a walk-in cooler. The subject property contains a total of 0.32 acres and is located  
36 within the “Downtown Business (DB1)” Zoning District and the Town Core Planning Area.  
37

38 The Chair administered the Oath to Interested Persons. Representing the Applicant was Richard Collins and  
39 Timothy Jarus, hereafter referred to as “Applicant.”  
40

41 In response to the following numbered items within the Staff Report:

- 42 1. The Applicant agreed to connect to the municipal wastewater collection system by November 15, 2016.
- 43 2. The Applicant stated that supplies are delivered by tractor trailer twice a week, generally overnight.
- 44 3. Staff stated that there are concerns about impacts to traffic on Route 7 while a tractor trailer is  
45 maneuvering into the parking lot. The applicant stated that delivery drivers are very accommodating to  
46 required delivery windows. The Applicant agreed that supply deliveries shall take place prior to 7 AM,  
47 between the hours of 10 AM – 2 PM, or after 6 PM.
- 48 4. The Applicant agreed that the Final Plans shall include deed references, Lister’s tax map and parcel  
49 number.

- 1 5. The Applicant agreed that the Final Plans shall include building elevations indicating height of all
- 2 existing and proposed structures.
- 3 6. The Applicant stated that there are an average of 60 trips in and out, including customers and deliveries.
- 4 There will be approximately 4 stool seating area inside, and outdoor seating on picnic tables during
- 5 good weather.
- 6 7. The applicant stated that at most 12 employees may be working at one time on a very busy day, but
- 7 generally around 7 employees on a weekend dinner shift. Many employees do not drive to work, so the
- 8 max number of employee vehicles present is generally 5.
- 9 8. The applicant agreed to install a sign identifying the ADA parking space.
- 10 9. The Applicant agreed to install at least one bicycle parking or storage facility and show the location on
- 11 the Final Plans.
- 12 10. The Applicant agreed that any proposed business sign shall meet the sign standards of ZR830.
- 13 11. The Applicant agreed to install a Fire Department key box on the building and show the location on the
- 14 Final Site Plan.
- 15 12. All comments from the Technical Advisory Committee had been previously addressed.
- 16 13. The Applicant agreed to obtain a Project Review Sheet from the Permit Specialist at the Agency of
- 17 Natural Resources, and obtain all required State permits and approvals prior to construction.
- 18 14. The Applicant agreed to submit two full-sized and two reduced complete final plan sets depicting the
- 19 requested changes.
- 20 15. The applicant agreed to obtain a Zoning Permit prior to construction and an associated Certificate of
- 21 Compliance after construction is complete.
- 22 16. The DRB were given the opportunity to ask remaining questions.

23 The DRB asked about creating a Vermont style pizza with local ingredients. The applicant explained that

24 Dominos must be consistent across franchises, but liked the idea.

25

26 Hearing no further questions or comments, the Chair closed the Hearing at 8:15 p.m.

27

## 28 7. OTHER BUSINESS

### 29 7(A). Staff Update

30 Castle shared that applications are coming in steadily with a conditional use hearing planned for next

31 meeting and a full agenda for the first meeting of February. The Zoning Administrator has been less busy

32 with new permits and is following up with violations. The Planning Director has been working with the

33 Planning Commission on regulation updates. The Economic Development Commission has been

34 reactivated.

35

## 36 8. MINUTES

### 37 8(A). Minutes of December 10, 2015

38 MOTION by Bonges to APPROVE the Minutes of December 10, 2015 as written; SECOND by Forgan.

39 Unanimously APPROVED.

40

## 41 9. DELIBERATIVE SESSION

42 MOTION by Conley to enter Deliberative Session at 8:20 p.m.; SECOND by Forgan. Unanimously

43 APPROVED.

44

45 Decision(s) Signed:

### 46 9(A). Site Plan Amendment III Application - 121 Gonyeau Road - NG Advantage, Applicant/Clean

47 Energy, Owner.

48 Bruce Jenkins, Chair YEA/nay/abstain/absent/recusal

49 Dave Conley, Vice-Chair: YEA/nay/abstain/absent/recusal

1 Henry Bonges, Clerk: YEA/nay/abstain/absent/recusal  
2 Clayton Forgan: YEA/nay/abstain/absent/recusal  
3

4 MOTION by Conley to exit Deliberative Session at 9:07 p.m.; SECOND by Forgan. Unanimously  
5 APPROVED.  
6

7 **10. ADJOURNED**

8 MOTION by Conley to adjourn at 9:08 p.m., SECOND by Forgan. Unanimously APPROVED.  
9

10  
11 Minutes approved by the Commission this \_\_\_\_\_ day of \_\_\_\_\_, 2016.  
12  
13

14  
15 \_\_\_\_\_  
16 Bruce Jenkins, Chair /jwc

17 Draft filed with the Town Clerk this 19<sup>th</sup> day of January, 2016.  
18

19 Filed with the Town Clerk this \_\_\_\_\_ day of \_\_\_\_\_, 2016.